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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of :
Harvey J. Kliman et al. : DECISION GRANTING
Application No. 09/801,470 : PETITION
Filed: March 8, 2001 :
Attorney Docket No. KLI-0002 :

This is a decision on the petition under 37 CFR 1.10(c) filed April 18, 2001, requesting that the above-identified application be accorded a filing date of March 8, 2001, rather than the presently accorded filing date of March 7, 2001.

Petitioner alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on March 8, 2001. In support, applicant provided a copy of the Express Mail label, receipt no. EL531447145US, showing a Date-In of March 8, 2001. The same Express Mail receipt number was referred to in the copy of the original Application Transmittal Letter submitted with the instant petition. Applicant requests that the application be accorded a filing date of March 8, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on March 8, 2001.

The petition is granted. The \$130 petition fee is being credited to counsel's deposit account as requested.

The application is being returned to Initial Patent Examination Division to await receipt of the signed declaration and fee required by the Notice mailed April 13, 2001, and for further processing with a filing date of March 8, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.



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